

REMARKS/ARGUMENTS

The Examiner is thanked for extending the courtesy of an interview to Applicant's representative on November 2, 2005. The following remarks include a summary of remarks offered by the undersigned during such interview.

Reconsideration and allowance of this application are respectfully requested. Currently, claims 1-28 are pending in this application.

Rejection Under 35 U.S.C. §103:

Claims 1-28 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Murakami et al (hereinafter "Murakami") in view of Kastner et al (hereinafter "Kastner"). Applicant respectfully traverses this rejection.

In order to establish a *prima facie* case of obviousness, all of the claim limitations must be taught or suggested by the prior art. The combination of Murakami and Kastner fails to teach or suggest all of the claim limitations. For example, as discussed during the interview, the combination fails to teach or suggest "wherein the abnormality diagnosis means corrects an abnormality diagnosis condition, which is used to determine the existence of the abnormality of the flow rate control means, based on one of: the bypass flow rate; and a bypass flow rate parameter, which correlates with the bypass flow rate," as required by independent claim 6.

Indeed, the Interview Summary states, *inter alia*, "It is also the opinion of the examiner that the abnormality diagnosis detects the abnormality, but does not take steps to correct the abnormality." Accordingly, there is no teaching or suggestion of correcting an abnormality diagnosis condition as required by independent claim 6. Similar limitations have now been included in amended independent claims 1, 8 and 10.

WAKAHARA
Application No. 10/642,303
December 5, 2005

Similarly, independent method claim 24 requires, "correcting an abnormality diagnosis condition, which is used to determine the existence of the abnormality in the flow rate control, based on one of: the bypass flow rate; and a bypass flow rate parameter, which correlates with the bypass flow rate," and claim 15 requires "correcting an abnormality diagnosis condition, which is used to determine the existence of the abnormality based on one of: the bypass flow rate; and a bypass flow rate parameter, which correlates with the bypass flow rate."

Accordingly, Applicant respectfully submits that the rejection of claims 1-28 under 35 U.S.C. §103 be withdrawn.

Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Raymond Y. Mah
Reg. No. 41,426

RYM:sl
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4044
Facsimile: (703) 816-4100